

### R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

### SUPPORT FOR THE CLAIM AMENDMENTS

Support for the claim amendments may be found in the specification, for example, on page 5 line 10-page 6 line 9, page 7 lines 1-15, page 9 lines 4-18, page 10 line 16-page 11 line 18, page 12 lines 9-18, page 13 lines 2-3, page 14 lines 7-14, page 15 lines 2-19 and FIGS. 2-5, 7 and 8, as originally filed. Thus, no new matter has been added.

### OBJECTIONS TO THE DRAWINGS

The objection to FIG. 4 has been obviated by amendment and should be withdrawn. The box and text for reference number 304 has been added to the figure per page 9, lines 4-5 of the specification, as suggested in the Office Action.

### OBJECTIONS TO THE SPECIFICATION

The objections to the specification have been obviated by amendment and should be withdrawn.

### **OBJECTIONS TO THE CLAIMS**

The objections to the claims have been obviated by amendment and should be withdrawn.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

The rejection of claims 1-9, 11, 12 and 15 under 35 U.S.C. §112, second paragraph, has been obviated by amendment and should be withdrawn.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 1-6 and 8-18 under 35 U.S.C. §103(a) as being unpatentable over Vogel, U.S. Pub. No. 2003/0145320, in view of Linzer '102 has been obviated in part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claim 7 under 35 U.S.C. §103(a) as being unpatentable over Vogel in view of Linzer and McGee et al. (hereafter McGee), U.S. Pub. No. 2003/0117530, has been obviated in part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claim 19 under 35 U.S.C. §103(a) as being unpatentable over Vogel in view of Linzer and Hua et al. (hereafter Hua), U.S. Pub. No. 2004/0161154, has been obviated in

part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Vogel in view of Hua has been obviated in part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

Vogel concerns a commercial detector (Title). Linzer concerns a digital video compressor with border processor (Title). McGee concerns family histogram based techniques for detection of commercials and other video content (Title). Hua concerns learning-based automatic commercial content detection (Title).

Claim 1 provides a step of generating a plurality of first parameters defining a first transition portion between a first active portion and a first blank portion in a first of a plurality of frames. In contrast, the Office Action agrees that Vogel is silent regarding active portions of frames. FIG. 5 of Linzer shows an active portion and a blank portion of a frame. However, nothing in FIG. 5 of Linzer explicitly shows a third portion between the active portion and the blank portion as presently claimed. Therefore, *prima facie* obviousness has not been established for lack of evidence that the references teach or suggest all of the claim limitations. Claim 10 provides language similar to claim 1. As such, claims 1 and 10 are fully patentable over the cited references and the rejection should be withdrawn.

Claim 16 provides a step of determining both a first size and a first position of a first truly active region of in a first of a plurality of frames. In contrast, the feature extractor 33 of Vogel does not appear to determine both a size and position of a truly active region of a frame received in the signal 31. Therefore, *prima facie* obviousness has not been established for lack of evidence that the references teach or suggest all of the claim limitations. As such, claim 16 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 20 provides a step of generating a plurality of first parameters defining a signature of a first segment of a plurality of program segments independent of a content of the first segment. In contrast, both Vogel and Hua appear to be silent regarding a signature for a segment independent of a content. Therefore, Vogel and Hua, alone or in combination, do not appear to teach or suggest a step of generating a plurality of first parameters defining a signature of a first segment of a plurality of program segments independent of a content of the first segment as presently claimed. As such, claim 20 is fully patentable over the cited references and the rejection should be withdrawn.

Furthermore, Linzer appear to be non-analogous art relative to Vogel based on the U.S. classifications and subject matter per the respective titles. The Office Action provides no evidence that one of ordinary skill in are would consider the

references to be analogous. In contrast, Linzer appears to have been chosen only because it is Applicant's own work, which is improper hindsight. As such, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Furthermore, the alleged motivation to combine/modify Vogel with Linzer, "to reduce the complexity and bandwidth of the method and system", appears to be a conclusory statement lacking any supporting evidence under MPEP §2143.01. As such, the Office is respectfully requested to either (i) provide evidence in support of the alleged benefits or (ii) withdraw the associated rejections.

Furthermore, the alleged motivation to combine/modify Vogel with Hua, "to provide a merge and generation of commercial and non-commercial blocks of content", appears to be a conclusory statement lacking any supporting evidence under MPEP §2143.01. As such, the Office is respectfully requested to either (i) provide evidence in support of the alleged benefits or (ii) withdraw the associated rejections.

Claims 2-9, 11-15, 17-19 and 21 depend from claims 1, 10, 16 and 20, which are now believed to be allowable. As such, the dependent claims are fully patentable over the cited references and the rejections should be withdrawn.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

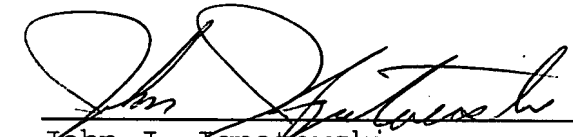
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 12-2252.

Respectfully submitted,

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